

REMARKS

Claims 51-62 are pending and currently under consideration in the present application. Applicants add new claims 63-74. Support for the subject matter of these claims is found throughout the specification. No new matter has been entered. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1. Applicants note with appreciation that the amendments filed January 12, 2004 have been entered in full. Applicants additionally note that the finality of the previous rejection has been withdrawn.

2. Applicants note that the Examiner has indicated the persuasiveness of Applicants' previous arguments with respect to the claimed priority of the instant application. However, to facilitate prosecution and to avoid any misunderstanding or ambiguity in the record, Applicants wish to further clarify Applicants' previous arguments with respect to priority.

Applicants previously submitted evidence demonstrating that the instant application was a continuation of and properly claimed priority to United States Serial Number 08/360,144, filed December 20, 1994. Accordingly, the instant application claimed priority to, at least, December 20, 1994. However, Applicants did not mean to imply that December 20, 1994 was the earliest effective filing date of the instant application or that the instant application did not properly claim priority to any other patent applications. In fact, a brief review of the application, as filed, reveals that the present application was not only a continuation of United States Serial Number 08/360,144, filed December 20, 1994, but was also a continuation-in-part of United States Serial Number 08/250,795, filed May 27, 1994. Accordingly, Applicants contend that the present application properly claims priority to the filing date of the '795 application which is May 27, 1994.

Applicants apologize for any possible misunderstanding with respect to the rightful priority date of the present application. Applicants maintain that the application, as filed, is a continuation of and claims priority to United States Serial Number 08/360,144, filed December 20, 1994, and is a continuation-in-part of and claims priority to United States Serial Number 08/250,795, filed May 27, 1994.

3. Applicants note with appreciation that the terminal disclaimer filed January 12, 2004 has been reviewed and accepted.

4. Applicants note with appreciation that the rejection of claims 51-62 under the judicially created doctrine of obviousness-type double patenting has been withdrawn in view of the terminal disclaimer filed January 12, 2004.

5. Claims 51-62 are rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the written description requirement. Applicants traverse this rejection and contend that the rejection is moot in light of the amended claims.

Applicants maintain the arguments of record and contend that the pending claims satisfy all of the requirements under 35 U.S.C. 112, first paragraph. Nevertheless, to expedite prosecution, Applicants have amended the claims to more particularly point out certain embodiments of the invention. Specifically, Applicants have amended the claims to further specify the RAPT1 proteins with which the claimed antibodies are immunoreactive, as well as the functional characteristics of these RAPT1 proteins. Applicants' amendments are believed to obviate the rejection, and reconsideration and withdrawal are respectfully requested.

Applicants note for the record that Applicants' amendments to the claims are not in acquiescence to the rejection. Applicants maintain that the previously pending claims satisfy all of the requirements for patentability, and Applicants reserve the right to prosecute claims of similar or differing scope in future patent applications.

6. Claims 51-62 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Sabitini et al. in view of Campbell. Applicants traverse this rejection.

As outlined in detail above, the present application claims priority to United States Serial Number 08/250,795, filed May 27, 1994. Accordingly, Sabatini et al., which was published on July 15, 1994, is not available as prior art. Reconsideration and withdrawal of this rejection is respectfully requested.

7. Claims 51-62 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Brown et al. in view of Campbell. Applicants traverse this rejection.

As outlined in detail above, the present application claims priority to United States Serial Number 08/250,795, filed May 27, 1994. Accordingly, Brown et al., which was published on June 30, 1994, is not available as prior art. Reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945, under Order No. APBI-P06-036.**

Respectfully Submitted,

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